

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

PATENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Attorney Docket No.: 18563-005200  
Client Reference No.: AT00110

On July 17, 2001

TOWNSEND and TOWNSEND and CREW LLP

By: JoAnn Evangelista  
JoAnn Evangelista

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#16

*Terminal  
Disclaimer  
S. Byrce*

7/27/01

In re application of:

MUHAMMAD CHISHTI et al.

Application No.: 09/313,289

Filed: May 13, 1999

For: TOOTH PATH TREATMENT  
PLAN

Examiner: WILSON, JOHN J.

Art Unit: 3732

**TERMINAL DISCLAIMER BY  
APPLICANT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Petitioner, ALIGN TECHNOLOGY, INC., is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Serial No. 09/313.291. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

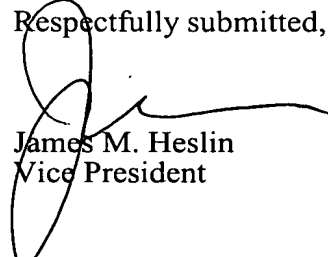
In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full

statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any of the prior patents, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record in this application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

  
James M. Heslin  
Vice President

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
BT:jke